

### REMARKS

The Examiner rejected claims 1, 3, and 5 under 35 U.S.C. § 102(b) as being anticipated by Faroudja (U.S. Patent No. 5,428,398); rejected claims 2, 4, and 6 under 35 U.S.C. § 103(a) as being unpatentable over Faroudja in view of Zhu et al (U.S. Patent No. 6,069,664) (hereinafter “Zhu”). Claims 1-6 are pending in the application.

#### Rejection of Claims 1, 3, and 5 under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 3, and 5 under 35 U.S.C. § 102(b) as being anticipated by Faroudja.

With regard to claims 1, 3, and 5, Applicant maintains that Faroudja does not describe “adaptively filtering.” The Examiner asserts that this limitation is met by Faroudja’s non-linear enhancer 110. Applicant disagrees because Faroudja’s non-linear enhancer is not adaptive.

In the outstanding final office action, the Examiner responds:

“Since the output of the motion-adaptive line doubler is inputted to the non-linear enhancement, the non-linear enhancement is considered to be adaptive. Thus, the claimed ‘adaptive filtering’ is anticipated by the non-linear enhancer because the input of the non-linear enhancer is adaptive.” (page 3)

Applicant cannot accept this reasoning. One of ordinary skill in the art of video signal processing knows that a circuit does not become “adaptive” simply because it receives its input from an adaptive circuit. To make the fallacy of this reasoning more evident, consider a simple linear FIR filter which receives its input from an adaptive equalizer. Does it follow that the simple linear FIR filter is therefore “adaptive?” No, of course not. Likewise, it does not follow that Faroudja’s non-linear enhancer is adaptive.

Furthermore, Applicant maintains that Faroudja does not describe “up-sampling the slower rate video signal to [any] desired rate.” The Examiner asserts that this limitation is met by Faroudja’s motion adaptive line-doubler 106. Applicant disagrees because Faroudja’s line-doubler does not provide “any desired rate”; it merely provides double the rate.

In the outstanding final office action, the Examiner responds: “It is noted that claims 1, 3, and 5 do not recited any alleged ‘any desired rate’ but recited ‘desired rate’.” (page 2) Applicant notes that this is a change in the Examiner’s position, as the Examiner relied on Applicant’s claim language “any desired rate” without objection in stating the grounds of the final rejection.

(page 4) Regardless, Applicant disagrees, and points the Examiner to the preambles of claims 1, 3, and 5 which expressly recite “any desired rate.” Thus, applying rules of antecedent basis, it is understood that where the bodies of claims 1, 3, and 5 recite “the desired rate,” they implicitly refer to “any desired rate.” This is proper usage of the word “any.” It would be improper, or at best awkward, to write “up-sampling the slower rate video signal to the any desired rate.”

For these reasons, claims 1, 3, and 5 are not anticipated by Faroudja. Accordingly, Applicant requests that the rejection of claims 1, 3, and 5 under 35 U.S.C. § 102(b) be withdrawn.

#### Rejection of Claims 2, 4, and 6 under 35 U.S.C. § 103(a)

The Examiner rejected claims 2, 4, and 6 as being unpatentable over Faroudja in view of Zhu.

Claims 2, 4, and 6 are patentable because they depend from claims 1, 3, and 5 respectively, each of which are patentable for the reasons discussed above.

Furthermore, Applicant maintains that claims 2, 4, and 6 are not rendered obvious by Faroudja in view of Zhu because neither Faroudja nor Zhu nor their combination describes “restoring a direct current level for the smooth interpolated video signal” or “adaptively filtering” or “up-sampling the slower rate video signal to [any] desired rate.”

For these reasons, Applicant requests that the rejection of claims 2, 4, and 6 under 35 U.S.C. § 103(a) be withdrawn.

#### Conclusion

In view of the foregoing remarks, allowance of claims 1-6 is urged, and such action and the issuance of this case are requested.

Respectfully submitted,

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